



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,889	06/21/2000	Christopher Kershaw	SCHW-800-(US)	6362
29585	7590	11/13/2008		
DLA PIPER US LLP 153 TOWNSEND STREET SUITE 800 SAN FRANCISCO, CA 94107-1957			EXAMINER CHUONG, TRUC T	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 11/13/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/598,889	Applicant(s) KERSHAW ET AL.	
	Examiner TRUC T. CHUONG	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to the Petition, filed on 08/05/08.

Claims 1-15, filed on 12/21/07, are pending in this application. In this communication, claims 1, 7, 12, and 15 are independent claims. This action is made final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 102

1. Claims 1, 3-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Sheppard (hereinafter "Sheppard", U.S. Patent No. 6,026,397).

As to claim 1, Sheppard shows a method for comparing information from a plurality of items on a visual display (e.g., figs. 7 and 15), comprising the steps of

(a) identifying with a common tag (Actual/Percentage Values tag 160 can be selected for Hist 1 and Hist 2, e.g., figs. 7 and 15), passages in the information for each of the plurality of different items which relate to a category of information (different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31);

(b) providing a different display area in the visual display for each of the plurality of different items (e.g., figs. 7 and 15); and

(c) displaying in each of the display areas the passages from each of the plurality of different items which are identified by a designated common tag, so that the passages are

Art Unit: 2179

observable at the same time (different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31).

As to claim 3, Sheppard shows the method of claim 1 wherein the information about the plurality of different items is found in reports compiled for each of the plurality of items, and each of the common tags is an anchor link (e.g., figs. 7 and 15).

As to claim 4, Sheppard teaches the method of claim 3 wherein the reports are compiled by an information server (database 44, e.g., col. 4 lines 57-65 and fig. 1).

As to claim 5, Sheppard shows the method of claim 4 wherein the information server inserts the common tags into the reports (database 44 and its processor connecting with the user's computer 12 to process data and print the reports as shown in figs. 7 and 15).

As to claim 6, Sheppard shows the method of claim 4 wherein the information server is located remotely from the visual display (database 44 (fig. 1) and its processor connecting with the user's computer 12 to process data and print the reports as shown in figs. 7 and 15).

As to claim 7, Sheppard shows a method of providing comparative information in an image displayed by a visual display about a plurality of different items, wherein information about the plurality of different items includes portions relating to common topics, and further wherein the portions on common topics are identified in the information by identifying tags (Actual/Percentage Values tag 160 can be selected for Hist 1 and Hist 2, e.g., figs. 7 and 15, and see claim 1 above), the method comprising the steps of

(a) providing a navigational frame in the displayed image (e.g., windows 160 and 162);

Art Unit: 2179

(b) providing a plurality of dynamic frames in the displayed image (different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31);

(c) receiving in the navigational frame a user designation of the different items to be compared (Actual/Percentage Values tag 160 can be selected for Hist 1 and Hist 2, e.g., figs. 7 and 15);

(d) display simultaneously in each of the dynamic frames information about the different items designated to be compared (different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31).

As to claim 8, it can be rejected under similar rational as claim 7. Note the rejection of claim 7 above.

As to claim 9, Sheppard shows the method of claim 7 further including the step of compiling the information about the plurality of items in a server located remotely from the visual display (database 44 (fig. 1) and its processor connecting with the user's computer 12 to process data and print the reports as shown in figs. 7 and 15).

As to claim 10, Sheppard shows the method of claim 9 further including the steps of

(a) sending a request to the server for reports about the items designated in the navigational frame (Actual/Percentage Values tag 160 can be selected for Hist 1 and Hist 2, e.g., figs. 7 and 15, and different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31);

Art Unit: 2179

(b) compiling in the sever the requested reports (different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31); and

(c) communicating the requested reports to the visual display (different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31).

As to claim 11, Sheppard shows the method of claim 10 wherein the compiling step includes the step of assembling frames for the reports corresponding to each of the portions on the common topics (Actual/Percentage Values tag 160 can be selected for Hist 1 and Hist 2, e.g., figs. 7 and 15, and different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31).

As to claims 12-14, they are apparatus claims of method claims 7-8, and 10. Note the rejections of claims 7-8, and 10 above respectively.

As to claim 15, it is individually similar in scope to claim 10 above; therefore, rejected under similar rationale.

Claim Rejections - 35 USC § 103

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard (hereinafter “Sheppard”, U.S. Patent No. 6,026,397) in view of Freidman et al. (hereinafter “Freidman”, U.S. Patent No. 6,360,188 B1).

As to claim 2, Sheppard shows the method of claim 1 wherein the plurality of different items (see claim 1 above) and the information being compared is information (different values

Art Unit: 2179

are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31); however, Sheppard does not clearly mention that the plurality items are investments. Freidman clearly teaches banking information and investments (Freidman, col. 11 line 57-col. 12 line 63, and figs. 3-5, and 7C). It would have been obvious, at the time of the invention, a person with ordinary skill in the art would have the financial display features of Freidman's financial model in Sheppard's system to provide more flexible ways in viewing data for users by using the direct graphical representation facilitates planning operations and enables accurate, rapid and easily understandable development of plans (Freidman, Abstract).

Response to Arguments

3. Applicant's arguments filed on 12/21/07 have been fully considered but they are not persuasive.

Applicants argued and Examiner disagrees with the following reasons:


a. *Actual Percentage Value(s) as shown in figs. 7 and 15 is not a common tag as claimed by the Applicant.*

The Actual/Percentage Value(s) tag 160 can be selected in order to compare data side-by-side of Hist 1 and Hist 2 (e.g., figs. 7 and 15). The data information shown in 154 and 156 are linked and associated with the 146 and 148; therefore, Sheppard clearly discloses that the passages in the information for each of the plurality of different items which relate to a category of information

Art Unit: 2179

(different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31).

b. *Actual Percentage Value(s) as shown in figs. 1 and 15 is not the portions on common topics.*

The data information shown in 154 and 156 are linked and associated with the 146 and 148; therefore, Sheppard clearly discloses that the passages in the information for each of the plurality of different items which relate to a category of information (different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31). In the example shown in fig. 15, the distribution of the parameter AGE selected in parameter list section 345 is in top histogram 342 for cluster cell number "2" and lower histogram 344 for cluster cell number "3". Summary statistics 346, e.g., occupancy, mean, standard deviation, and minimum and maximum values, are also provided for upper 342 and lower 344 histograms  set as a whole. Histograms 342 and 344 in window 340 may be displayed as actual values, which is the case in the example of fig. 15.

Alternatively, histograms 342 and 344 can be displayed as percentage values by making appropriate selections in values sections 347 of window 340. The Copy Hist 1 button 348 and Copy Hist 2 button 350 copies the associated histogram to a clipboard in order that the histograms can be imported as bit maps to an appropriate application, for example, a word processing application. Once copied

Art Unit: 2179

to the clipboard, the histograms may then be pasted into a word processing document (Sheppard, col. 20 lines 14-50, and figs. 7 and 15).

All other arguments can be addressed as a similar rationale as (a) or (b) above.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRUC T. CHUONG whose telephone number is (571)272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Truc T. Chuong

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179